

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

WILLIE CHAMBLIN,

Plaintiff,

v.

SYNCHRONY BANK,

Defendant.

)
) Civil Action No. _____
)
) **Removed from the District Court of**
) **Jefferson County, Alabama,**
) **Case No.: 01-SM-2020-000113**
)
)
)
)

NOTICE OF REMOVAL

Defendant, Synchrony Bank (“Synchrony”), by counsel, hereby removes this action from the District Court of Jefferson County, Alabama, to the United States District Court for the Northern District of Alabama, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, and in support thereof states as follows:

1. This action is being removed to federal court based on federal question jurisdiction.
2. On or about July 7, 2020, Plaintiff Willie Chamblin filed his Complaint in the District Court of Jefferson County, Alabama (the “State Court” and “State Court Action”). A true and correct copy of the Complaint is attached hereto as **Exhibit A**.
3. The Complaint was served on Synchrony on July 13, 2020.
4. As set forth more fully below, this case is properly removed to this Court pursuant to 28 U.S.C. § 1441 because Synchrony has satisfied the procedural requirements for removal and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331.

GROUND FOR REMOVAL

I. Synchrony Has Satisfied The Procedural Requirements For Removal.

5. Synchrony was served with the Complaint on July 13, 2020. Therefore, this Notice of Removal is timely filed under 28 U.S.C. § 1446(b).

6. Concurrently with the filing of this Notice of Removal, Synchrony is giving written notice of removal to Plaintiff (by serving Plaintiff with a copy of this Notice of Removal, together with all exhibits) and by filing a copy of this Notice of Removal with the Clerk of the State Court pursuant to 28 U.S.C. § 1446(d). A copy of the State Court Notice of Filing of Notice of Removal, without its exhibits, is attached hereto as **Exhibit B**.

II. Removal Is Proper Because This Court Has Subject Matter Jurisdiction.

7. United States District Courts are vested with jurisdiction to consider cases or controversies “arising under” the laws of the United States of America. *See* 28 U.S.C. § 1331.

8. Removal of such cases is governed by 28 U.S.C. § 1441(a). Section 1441(a) provides that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” *See* 28 U.S.C. § 1441(a).

9. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, because this matter involves a federal question. Namely, Plaintiff’s Complaint purports to assert a claim against Synchrony for alleged violations of the Fair Credit Billing Act, 15 U.S.C. § 1601 (the “FCBA”). *See* Complaint.

10. Plaintiff’s Complaint alleges violations of a federal statute — the FCBA — and consequently the claims “arise[] under” the laws of the United States. *See* 28 U.S.C. § 1331. Therefore, this Court may properly exercise jurisdiction over Plaintiff’s claims.

11. Given that the requirements for federal question jurisdiction are satisfied, this case is properly removed.

12. Synchrony is the sole defendant, which obviates any issues concerning any co-defendant's consent, *vel non*, to the instant removal.

13. Venue lies with this Court because the State Court Action is pending in District Court of Jefferson County, Alabama, which is within this District and Division. *See* 28 U.S.C. §§ 1441 and 1446(a).

14. Synchrony has good and sufficient defenses to this action and does not waive any defenses, jurisdictional or otherwise, by the filing of this Notice.

15. This Notice is filed in accordance with Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, Defendant Synchrony Bank, by counsel, respectfully removes this action from the District Court of Jefferson County, Alabama to this Court pursuant to 28 U.S.C. §§ 1441 and 1446, and requests that this Court retain jurisdiction for all further proceedings in this matter.

Dated: July 29, 2020

/s/ Kristen P. Watson

Kristen P. Watson (ASB-6938-A22P)

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Attorneys for the Defendant Synchrony Bank

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 29, 2020, a true and correct copy of the foregoing was filed with the Clerk of Court using the CM/ECF system and served via first class mail to:

Willie Chamblin
4825 Yonderhill Drive
Birmingham, AL 35207
Plaintiff

/s/ Kristen P. Watson
OF COUNSEL